

RESPONSE TO COMMENTS – APRIL 18, 2007
REISSUANCE OF NPDES PERMIT NO. NH0100200
TOWN OF NEWPORT WASTEWATER TREATMENT FACILITY
NEWPORT, NEW HAMPSHIRE

From February 9, 2007 through March 10, 2007, the U.S. Environmental Protection Agency (EPA-New England) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) solicited public comments on the draft National Pollutant Discharge Elimination System (NPDES) permit to be reissued to the Town of Farmington, NH.

EPA-New England received comments from the Town of Newport during the public comment period. The following are responses to those comments and any changes made to the public-noticed permit as a result of those comments. A copy of the final permit may be obtained by writing or calling Dan Arsenault, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMP), Boston, Massachusetts 02114-2023; Telephone (617) 918-1562. Copies may also be obtained from the EPA Region I web site at <http://www.epa.gov/region1/npdes/index.html>.

COMMENTS FROM THE TOWN OF NEWPORT

GENERAL COMMENTS:

COMMENT NO. 1:

“While I understand the need for the reduced levels of phosphorus (TP) to the river, the changes required to implement the new ultra low limit are going to be a financial burden to the ratepayers. I know of no plant in the state that once it was required to upgrade to TP removal, has not been faced with a large and expensive upgrade of its existing plant to be able to meet the new limits. As you can see by the 6 years worth of TP results that we have generated, we have never come close to meeting any of the permit limits that you are giving us for TP, either winter or summer. Also, part of the issue with the stringent TP limits is your choice to leave our TSS limits at 30/45/50. It is well known that there is a significant amount of phosphorus (P) tied up in the TSS leaving a WWTF. It would make more sense to me to have the TSS limits reduced to 5/5/10. By leaving the TSS limits so high totally contradicts the expectation that we would ever be able to meet the ultra-low TP limits. For us to ever meet the TP limits is going to require a complete upgrade to our treatment plant, it cannot be done with the system that we are currently using. It will require us to treat for P in the system as well as reducing our solids discharge down to single numbers as I have previously noted, to attain anything close to the 0.42 permit level.”

RESPONSE NO. 1:

We understand that the existing treatment plant will be unable to achieve the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA's enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

The TSS (and BOD₅) limit is based upon secondary treatment regulations found at 40 CFR § 133.102. EPA acknowledges the fact that in order to achieve the new phosphorus limit of 0.42 mg/l the effluent concentration of total suspended solids (TSS) will likely need to be substantially less than 30 mg/l because, as was noted above, a significant amount of phosphorus can be tied up in the TSS. However, EPA has no water quality basis for establishing more stringent limits for TSS. If future water quality analyses demonstrate a need for more stringent limits for TSS the permit may be reopened and modified.

COMMENT NO.2:

"I also question the reasoning behind the split permit levels for winter/summer discharge. Once the plant is upgraded and capable of treating to the 0.42 limit it would make more sense to maintain that year-round than continually be adjusting the processes up and down to try and hit a moving target. I would prefer to run the system year-round and meet a 0.70 mg/l limit, the average of the 2 limits, than continually be adjusting the treatment process and risk upsetting the operation of the plant."

RESPONSE NO.2:

Total phosphorus has separate limits for summer and winter to account for the growing season. During the growing season (i.e. April through October) the phosphorus in the discharge will be taken up by plant and algal biomass in the river system. Therefore, during this period, the effluent limit of 0.42 mg/l needs to be met in order to achieve the instream total phosphorus criteria of 0.1 mg/l which will prevent excessive plant and algal growth. The winter period (November through March) limitation on total phosphorus is necessary to ensure that the higher levels of phosphorus discharged in the winter do not result in the accumulation of phosphorus in downstream sediments. The limitation assumes that the vast majority of the phosphorus discharged will be in the dissolved fraction and that dissolved phosphorus will pass through the system during the winter period.

COMMENT NO.3:

“You are mandating that we upgrade our treatment process to meet these new requirements, knowing full well that once the permit goes into effect with these TP limits we will immediately go into significant non-compliance. At that point what are our choices? How soon before Permits & Compliance will step in ordering a Consent Decree and will we be allowed time to try to meet the limit with pilot projects or will we be expected to meet the limits immediately?”

RESPONSE NO.3:

As explained in Response No. 1, we understand that the existing treatment plant will be unable to achieve of the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA’s enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

TESTING METHOD FOR *ESCHERICHIA COLI* BACTERIA

On March 26, 2007, 40 C.F.R. Parts 136 and 503 were modified. Among these modifications, were changes to the approved methods for *Escherichia coli* (E. coli) bacteria testing. EPA method 1103.1 which was specified in the draft permit is no longer approved for E. coli testing in a wastewater matrix. The permit has been modified to specify E. coli testing using a method approved in 40 C.F.R. Part 136, List of Approved Biological Methods for Wastewater and Sewage Sludge.